IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPLICATION NO.7999 OF 2005

Shyam Sunder Ishwar ..Applicant
Vs.
State of Maharashtra ..Respondents

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Mrs.Pranali Kakade, appointed as amicus curiae for Applicant
Mr.D.S.Mhaispurkar A.P.P. for the State

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CORAM: SMT.V.K.TAHILRAMANI,J.
DATE : APRIL 25, 2006
IN CHAMBER AT 2.45 P.M.

P.C.

1. Heard the learned advocate for the applicant and learned A.P.P. for the State. The applicant has challenged the order of Government placing him in category 6(a) under the 14 years rule directing him to undergo 28 years of imprisonment.

2. The applicant was convicted mainly under Section 302 of IPC and sentenced to life imprisonment. When the applicant had completed more than 12 years of actual imprisonment, his case was referred to the State Government for deciding about the premature release of the applicant under Section 433-A of Cr.P.C. While going through the record of the applicant, it was seen that while he was undergoing sentence of imprisonment in jail, on

22.2.1998 the applicant escaped from open Jail at Yerawada. Thereafter, the applicant came to be traced by the authorities, arrested and brought back to the jail on 31.3.1998. Looking to the fact that the applicant had escaped from the jail and after considering his case, the applicant was placed in category 6(a) which deals with escape case. Category 6(a) reads as under:

. "6(a) Prisoners who have escaped from lawful custody while undergoing imprisonment or who absconded while on parole or furlough, in such case, the period of imprisonment to be undergone including remission subject to a minimum of 14 years of actual imprisonment including set off period, would be 28 years."

3. Looking to the fact that applicant had escaped from jail and run away and he had to be arrested and brought back, the applicant has been correctly placed in category 6(a). In this view of the matter, application is rejected.

[SMT.V.K.TAHILRAMANI,J.]